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EXAMINER

LAMBRECHT, CHRISTOPHER M

ART UNIT PAPER NUMBER

2623

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/917,896

Applicant(s)

MICHAEL ET AL.

Examiner

Christopher M. Lambrecht

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/6/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed March 6, 2006 have been fully considered but they are not persuasive.

Applicant requests withdrawal of the rejection of claims 1-44, which were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,805,682 ("Voit") (see Office action dated Oct. 4, 2005). In particular, Applicant submits that Voit fails to teach or suggest all of the claimed features of claim 1. In addition, Applicant submits that Voit fails to teach or suggest all of the claimed features claims 19, 20, 29, and 39 for reasons analogous to those of claim 1; and that claims 2-18, 21-28, 30-39, and 40-44 are patentably over Voit by their respective dependency on claims 1, 19, 20, 29, and 39.

Claim 1, as amended, includes "an intercept unit . . . intercepting data concerning a telephone call" This limitation is met by the signal switching point (SSP) disclosed in Voit. For instance,

[w]hen SSP detects a trigger in response to a telephone call, the SSP composes and sends a TCAP query up to ISCP with the calling number of the incoming call before the telephone call hits and rings on the phone line of customer A.

Voit, col. 9, ll. 18-24 (references to figures omitted). The calling number of the incoming call constitutes data concerning a telephone call, as recited in Applicant's claim 1. Further, Voit discloses that this data "is included within the telephone call itself." Voit, col. 1, ll. 32-33. Thus, the SSP receives data concerning a telephone call and passes this data to the ISCP before relaying it to the customer's phone line. This procedure, as performed by the SSP, corresponds to

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“intercepting data concerning a telephone call.” Accordingly, Voit discloses the intercepting unit, as claimed.

Applicant argues, however, “Voit only obtains data concerning a telephone call by querying caller information from a database. . . . In other words, Voit does not intercept the data concerning a telephone call” (Applicant’s Remarks, 12 [emphasis Applicant’s].) Examiner notes that the data to which Applicant refers (“call related information”, see Voit, col. 10, ll. 15-29) is, as noted by Applicant, data concerning a telephone call. Even in light of this observation, the calling number of the incoming call is nevertheless, data concerning a telephone call.

Thus, claim 1 thus fails to distinguish over the cited art for the reasons discussed above; the rejection is therefore maintained. Applicant provides no additional arguments as to the patentability of claims 2-44 and thus, these rejections are similarly maintained.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Voit et al (USPN 5,805,682), cited by Examiner.

Regarding claim 1, the claimed “system for providing signals to a television receiver of a user within a television network” is met as follows:

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- The claimed “intercept unit connected to a telephone network and intercepting data concerning a telephone call being made to a user's telephone number” is met by the SSP (Signal Switching Point) 11, [col. 9, lines 15-20].
- The claimed “communicating the data over the television network to the television receiver of the user” is met by column 10, lines 25-27, which disclose a “send data” transaction, with the calling name and calling number being sent to the set-top box (DET) of customer A.
- The claimed “television receiver of the user displays the data concerning the telephone call on a television screen associated with the television receiver of the user” is met by the DET receiving the call related information and displaying it on the television screen [col. 10, lines 32-40].

Regarding claim 2, the claimed “system according to claim 1” is further met as follows:

- The claimed “service transmission system communicating with the television network” is met by the ISCP (Integrated Service Control Point) 15 connected to the television broadband network 21 through interface point 17 [col. 8, lines 48-50].
- The claimed “intercept unit communicating the data concerning the telephone call to the service transmission system” is met by the SSP 11 composing and sending a TCAP query to the ISCP 15 with the calling number of the incoming call [col. 9, lines 15-25].
- The claimed “service transmission system formatting the data into a television signal and communicating the television signal over the television network to the

television receiver of the user” is met by column 10, lines 19-44, which disclose a “send data” transaction, with the calling name and calling number being sent to the set-top box (DET) of customer A from the ISCP 15.

Regarding claim 3, the claimed “system according to claim 2, in which the intercept unit communicates data to the service transmission system via one of the Internet and a telecommunications network” is met by the SS7 signaling connection [col. 8, lines 60-67].

Regarding claim 4, the claimed “system according to claim 2” is further met as follows:

- The claimed “database cross-referencing user telephone numbers with data on the television receiver of the user” is met by the “stored internal data”, which cross-references the received telephone number with the video network address of the set-top box of the called customer [col. 6, lines 15-16 & col. 10, line 29].
- The claimed “intercept unit communicating the telephone number of the user to the service transmission system” is met by the SSP 11 composing and sending a TCAP query to the ISCP 15 with the calling number of the incoming call [col. 9, lines 15-25].
- The claimed “service transmission system accessing the database to obtain the data on the television receiver of the user, and using the data on the television receiver of the user to communicate the television signal to the television receiver of the user” is met by the fact that the ISCP accesses the stored internal data as discussed in column 6, lines 15-16 and column 10, line 29 to obtain the video network address of the set-top box of the called customer. The video network address is then used to perform a “send data” transaction, with the calling name

and calling number being sent to the set-top box (DET) of customer A from the ISCP 15 [col. 10, lines 26-29].

Regarding claim 5, the claimed “system according to claim 2” is further met as follows:

- The claimed “service transmission system embeds the data concerning the telephone call within a television program to be broadcast to the television receiver of the user” is met by column 10, lines 26-29, which disclose that the video network address is used to perform a “send data” transaction, with the calling name and calling number being sent to the set-top box (DET) of customer A from the ISCP 15 [col. 10, lines 26-29].
- The claimed “data concerning the telephone call being displayed within the television program on the television screen of the user” is met by the fact that the Caller ID message is displayed at the bottom of the screen on TV 27 [col. 10, lines 32-40].

Regarding claim 6, see the above rejection of claim 5.

Regarding claim 7, the claimed “system according to claim 2, wherein the data concerning a telephone call includes a caller's calling line indicator” is met by the LIDB discussed in column 10, lines 19-29, which provides further information related to the calling number.

Regarding claim 8, the claimed “system according to claim 2, wherein the intercept unit obtains further data on a caller in dependence on the intercepted data concerning the telephone call and communicates the data concerning the telephone call and the further data to the service transmission system for communication to the user's television receiver” is met by the LIDB

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being used to get the user's name and other further information associated with the user's calling number, the call related information being the same information typically provided in a conventional telephone caller ID service [col. 10, lines 19-29]. The caller ID information is then send to the set-top box associated with the called customer.

Regarding claim 9, the claimed "system according to claim 2, wherein the service transmission system obtains further data on a caller in dependence on the data concerning the telephone call communicated by the intercept unit and formats the data concerning the telephone call and the further data into a television signal for communication to the user's television receiver" is, again, met by column 10, lines 19-29, which have been thoroughly discussed above.

Regarding claim 10, the claimed "system according to claim 2, wherein the service transmission system obtains further data on a caller in dependence on the data concerning the telephone call communicated by the intercept unit and replaces the data concerning the telephone call with the further data prior to formatting the data into a television signal for communication to the user's television receiver" is, again, met by column 10, lines 19-29, which have been thoroughly discussed above.

Regarding claim 11, the claimed "system according to claim 9, further comprising a database of information on known callers, the service transmission system obtaining the further data from the database of information on known callers" is, again, met by column 10, lines 19-29, which have been thoroughly discussed above.

Regarding claim 12, the claimed "system according to claim 9, wherein the service transmission system communicates with a telephone service provider's database and obtains the

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further data from the telephone service provider's database" is, again, met by column 10, lines 19-29, which have been thoroughly discussed above.

Regarding claim 13, the claimed "system according to claim 2" is further met as follows:

- The claimed "receiver accepts an input from a user in response to the data displayed on the television screen and communicates the input to the service transmission system" is met by the customer entering a response to the DET 25, which is forwarded to the ISCP 15. The response may indicate the customer's preferred disposition of that call [col. 10, lines 37-44].
- The claimed "service transmission system managing the call in dependence on the input" is met by the ISCP caring for the call according to the customer's preferred disposition of that call [col. 10, lines 43-44 & col. 11, lines 6-13].

Regarding claim 14, the claimed "system according to claim 13, wherein the input is a command to redirect to a voicemail system, the service transmission system communicating with the intercept unit to redirect the call to the voicemail system" is met by the fact that the user can select a response to deal with the incoming call. The example of directing the call to a voicemail system is given [col. 11, lines 3-13].

Regarding claim 15, the claimed "system according to claim 13, wherein the input is a command to send a message to a caller, the service transmission system communicating with a messaging system to send the message to the caller" is, again, met by the fact that the user can select a response to deal with the incoming call [col. 11, lines 3-13].

Regarding claim 16, the claimed “system according to claim 15, wherein the message is one of: an instant message or an email” is, again, met by the fact that the user can select a response to deal with the incoming call [col. 11, lines 3-13].

Regarding claim 17, the claimed “system according to claim 1, wherein the television receiver is a digital television decoder” is met by the DET (also referred to as a set-top box) discussed in column 8, lines 20-23 and throughout the reference.

Regarding claim 18, the claimed “system according to claim 17, wherein the decoder is a set-top-box” is met by the DET (also referred to as a set-top box) discussed in column 8, lines 20-23 and throughout the reference.

Regarding claim 19, see the above rejection of similar claim 1.

Regarding claim 20, see the above rejection of similar claim 2, the third bullet mark.

Regarding claim 21, see the above rejection of similar claim 4.

Regarding claim 22, see the above rejection of similar claim 5.

Regarding claim 23, see the above rejection of similar claim 8.

Regarding claim 24, see the above rejection of similar claim 10.

Regarding claim 25, see the above rejection of similar claim 11.

Regarding claim 26, see the above rejection of similar claim 12.

Regarding claim 27, see the above rejection of similar claim 13.

Regarding claim 28, see the above rejection of similar claims 14-16.

Regarding claim 29, see the above rejection of similar claim 1.

Regarding claim 30, see the above rejection of similar claim 1.

Regarding claim 31, see the above rejection of similar claim 2, the third bullet mark.

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Regarding claim 32, see the above rejection of similar claim 4.

Regarding claim 33, see the above rejection of similar claim 5.

Regarding claim 34, see the above rejection of similar claim 8.

Regarding claim 35, see the above rejection of similar claim 10.

Regarding claim 36, see the above rejection of similar claim 11.

Regarding claim 37, see the above rejection of similar claim 12.

Regarding claim 38, see the above rejection of similar claim 13.

Regarding claim 39, the claimed “user interface for a television” is met as follows:

- The claimed “object for receiving an incoming telephone call indication signal based on intercepted call data” is met by the DET receiving the call related information [col. 10, lines 32-37].
- The claimed “display region, responsive to said incoming telephone call indication signal, displaying an incoming telephone call indication based on said incoming telephone call indication signal” is met by the Caller ID message being displayed at the bottom of the screen on TV 27 [col. 10, lines 38-44].

Regarding claim 40, the claimed “user interface as set forth in claim 39, further comprising a user activatable region for sending a prior call information access request” is met by signaling message displayed on the television indicating to the user that there is a list of “missed calls” waiting to be viewed [col. 10, lines 1-11].

Regarding claim 41, the claimed “user interface as set fourth in claim 40” is further met as follows:

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- The claimed “object for receiving a prior call information signal” is met by the ISCP sending information regarding the missed calls to the DET upon request by the user [col. 10, lines 1-11].
- The claimed “display region displaying prior call information based on said prior call information signal” is met by the inherent display of the requested missed call list [col. 10, lines 1-11]. When the user requests to view the list, it needs to be displayed.

Regarding claim 42, the claimed “interface as set fourth in claim 39, wherein the incoming call indication signal comprises system-provided incoming call information and supplemental incoming call information” is met by the fact that the incoming call information consists of a calling name and a calling number [col. 10, lines 25-30].

Regarding claim 43, the claimed “interface as set fourth in claim 42, further comprising a display region displaying said supplemental incoming call information” is met by the Caller ID message being displayed at the bottom of the screen on TV 27 [col. 10, lines 38-44].

Regarding claim 44, the claimed “interface as set fourth in claim 39, further comprising a user activatable region for indicating a call management function relating to incoming telephone calls of said user” is met by the fact that the user can select a response to deal with the incoming call [col. 11, lines 3-13].

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Lambrecht whose telephone number is (571) 272-7297. The examiner can normally be reached on weekdays from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on weekdays at (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher M. Lambrecht
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